

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF RHODE ISLAND**

-

GREG DUHAMEL and
THOMAS DUBOIS

v.

C.A.No.: 21-cv-

LISA BALDELLI-HUNT
Mayor of Woonsocket
and
LAURIE PERRY
City Treasurer of Woonsocket

VERIFIED COMPLAINT

Introduction

1. Defendant Woonsocket Mayor Lisa Baldelli-Hunt (“Mayor Baldelli-Hunt” or “Defendant”) uses the @LISABALDELLIHUNT Facebook page for official purpose—including to share information with constituents and solicit their views about government policy—but she has blocked and restricted access of constituents because they have inquired and/or criticized her or her policies. This practice is unconstitutional.

2. The Plaintiffs were blocked from interacting with the @LISABALDELLIHUNT Facebook page after questioning and/or criticizing Mayor Baldelli-Hunt and her policies. Mayor Baldelli-Hunt’s blocking/banning of the Plaintiffs from the account based on viewpoint violates the Plaintiffs’ right to speak in a public forum as well as their right to petition the government for redress of grievances.

3. Plaintiffs respectfully request this Honorable Court declare the Defendant’s blocking of the Plaintiffs violates the First Amendment of the United States Constitution

and order Defendant to unblock/unban Plaintiffs from interacting with the @LISABALDELLIHUNT page, order Defendant to unblock/unban all other individuals who were blocked from the account based on their viewpoints, and order other relief as requested below.

Jurisdiction and Venue

4. This action arises under 42 U.S.C. § 1983 for violations of civil rights under the First and Fourteenth Amendments to the United States Constitution.

5. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

6. Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202.

7. Venue is proper in this Court under 28 U.S.C. § 1391 (b)(1) and (b)(2) because Defendant resides in this District and a substantial part of the events giving rise to this claim occurred in this District.

Parties

8. Plaintiff Greg Duhamel resides in Woonsocket and operates the Facebook account “Greg Duhamel” otherwise identified by GregTheCemeteryGuy401.

9. Plaintiff Thomas Dubois resides in Woonsocket and operates the Facebook account “Thomas Dubois” otherwise identified by thomas.dubois.90813.

10. Defendant Lisa Baldelli-Hunt is Mayor of Woonsocket and is sued in her official capacity. Mayor Baldelli-Hunt operates the @LISABALDELLIHUNT Facebook page and has blocked the Plaintiffs from interacting with this account.

11. Defendant Laurie Perry is the Woonsocket City Treasurer and is named in her official capacity.

Facts

A. Facebook

12. Facebook is a social media platform with more than 2.85 billion active users worldwide, including some 190 million in the United States. The platform allows users to publish messages, publish media, share what other users publish, and interact with published messages and other users. Speech published on Facebook covers a wide range and variety of topics, but particularly relevant here is that a significant amount of speech posted on the platform is speech by, to, or about the government.


13. A Facebook “user” is an individual who has created an account on the platform. A user can publish text, media, links, or any combination of the three through the user’s “profile” onto their “timeline”. A user can also post in “groups” or onto “pages”. Some Facebook users do not post at all. Others post hundreds of times a day.

14. A Facebook user’s profile is the single website associated with the user. This profile contains a “timeline” which may or may not contain posts. The profile also may contain information about the user. Users can add one another as “friends” through their profiles.

15. A Facebook page is similar to a profile, but is differentiated by its ownership, content, and interaction capabilities. While a user can register only a single profile per account they maintain, multiple pages can be created and operated by a single user. Additionally, pages can be operated collaboratively by multiple users with varying levels of access. A user cannot request to be friends with a page, but rather can “like” or “follow” the page. Below is a screenshot of the @LISABALDELLIHUNT page:



16. A timeline is the display of posts generated by either a profile or a page, with the most recent posts appearing at the top of the timeline. When a user posts generally, in this instance meaning not into a group, whether through their profile or a page to which they have access, the post automatically appears on the corresponding timeline. Below is a screenshot of part of the timeline associated with the @LISABALDELLIHUNT page:





Mayor Lisa Baldelli-Hunt
May 28 at 12:00 PM · 🌐

🇺🇸 CITY OF WOONSOCKET TO HONOR OUR VETERANS DURING A MEMORIAL DAY CEREMONY 🇺🇸


Mayor Lisa Baldelli-Hunt invites all residents of Woonsocket and the surrounding communities to join the City of Woonsocket and the United Veterans Council of Woonsocket (UVCW) t... [See More](#)




  49


6 Comments 12 Shares

 Like

 Comment


 Share

Most Relevant ▾



Write a comment...


Press Enter to post.



Kathleen Bannan
That's wonderful! God bless all our veterans!

Like · Reply · 3w  2


[View 4 more comments](#)



Mayor Lisa Baldelli-Hunt is at **Meade Stadium**.
May 23 · Kingston, RI · 🌐

Congratulations to our son Sam Hunt and all the [University of Rhode Island](#) graduates! 🎓 May their futures be filled with health and happiness and their careers be rewarding.

Sam, we are so very proud of you; your commitment and dedication throughout your f... [See More](#)



5

17. A Facebook user can be friends with other users, which can provide greater access to information if the user they friend has a private or partially restricted account. Users can also follow both profiles and pages to get updates in their “feed” whenever the profile/page posts.

18. A Facebook user can interact with posts from profiles and pages either by sharing, commenting on, or reacting to the post. Sharing a post allows a user to republish a post into their own timeline and allows the user to add their own text on top of the republished post. Commenting on a post allows a user to respond to it with text, media, or a link and comments can be published as a reply to the original post or another comment on that post. Reacting to the post allows a user to respond with typically one of 7 emojis. Reactions include the like reaction and took the place of Facebook’s original like feature. The reactions express a range of emotions and appear like this:



19. By default, Facebook profiles and their associated timelines are visible to the public, even those without a Facebook account. However, non-users cannot interact with posts. Additionally, Facebook users can restrict visibility of portions of their profile through their privacy settings.

20. When commenting in response to a comment, a Facebook user’s comment will appear nested below the comment it is in response to. All comments will be nested under the comment they are replying to creating a comment thread. However, users can tag others by their profile or page name in their comment and this will act as a reply without creating

a nested comment thread. Both replying and commenting while tagging a user will send them a notification.

21. Posts, comments, reactions, and shares are controlled by the user who generates them. No other Facebook user can alter the content of any post, comment, or reaction, either before or after it is posted. Facebook users cannot prescreen posts, comments, reactions, or shares that reference their posts or accounts.

22. A Facebook user can block another user which restricts them from writing on their timeline, tagging them in comments or posts, sending them an invite, or trying to friend them. It also restricts the visibility of content from one user to another. Facebook users can only block pages and profiles from their own profile, therefore pages cannot block users regardless of their operator's profile's blockings or settings.

23. A Facebook user operating a page can ban another user from that page. While this does not restrict the banned user from viewing the page and its content, it fully restricts the user from interacting with the page. A fully banned user cannot react to posts, react to comments, comment on posts, or comment in reply to other comments. The banned user is essentially fully barred from interacting or engaging with any content on the page or any content replying to the page and is unable to participate in any discourse held on the page.

B. @LISABALDELLIHUNT Facebook Page

24. Defendant established the @LISABALDELLIHUNT Facebook Page on August 10, 2018. She has been an elected official at all times since the opening of the @LISABALDELLIHUNT Facebook Page, serving as the Mayor of Woonsocket.

25. The Facebook Page @LISABALDELLIHUNT indicates, in multiple ways, that it is Mayor Lisa Baldelli-Hunt's official Facebook Page. The account lists its category as "government official".

26. The @LISABALDELLIHUNT Facebook Page has more than 2,780 followers, is accessible to the public at large without regard to any limiting criteria and is still currently published and visible. Mayor Baldelli-Hunt has not issued any rule or statement purporting to limit (by form or subject matter) the speech of those who interact with this page. Users who cannot interact with the @LISABALDELLIHUNT Facebook Page are those she has banned.

27. Mayor Baldelli-Hunt uses the @LISABALDELLIHUNT Facebook Page to announce, describe, and defend her official policies and her office's operations; to comment on local issues; to share content produced for the City of Woonsocket; and to communicate with her constituents including responding to their comments. Because of the way she uses this account, Mayor Baldelli-Hunt's posts have become an important source of news and information about her work. Further, the interactions associated with the posts have become important forums for speech by, to, and about Mayor Baldelli-Hunt.

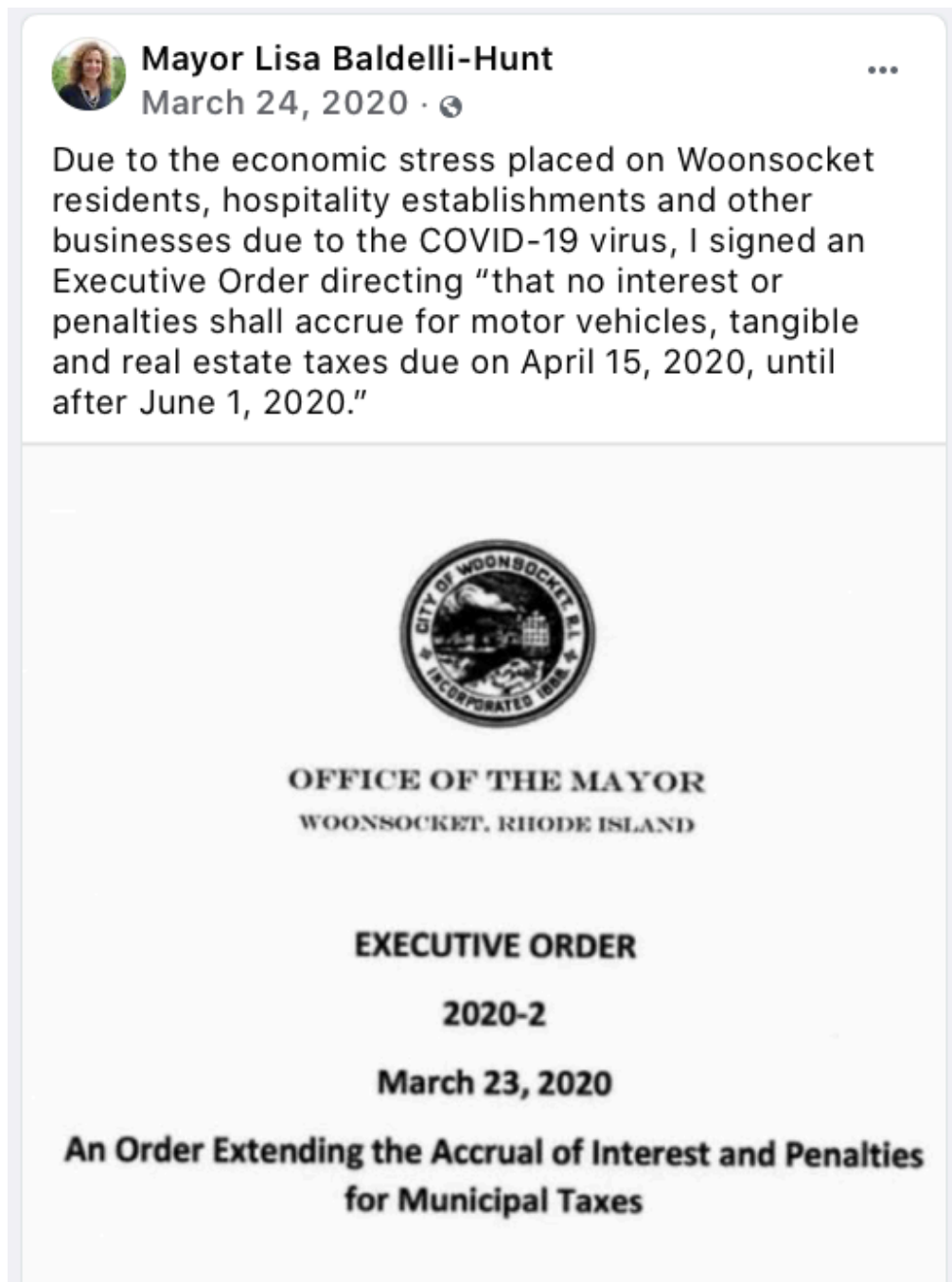
28. Mayor Baldelli-Hunt has posted hundreds of times from the @LISABALDELLIHUNT Facebook Page about matters relating to her official duties. As example, on March 16, 2020, she posted the following:



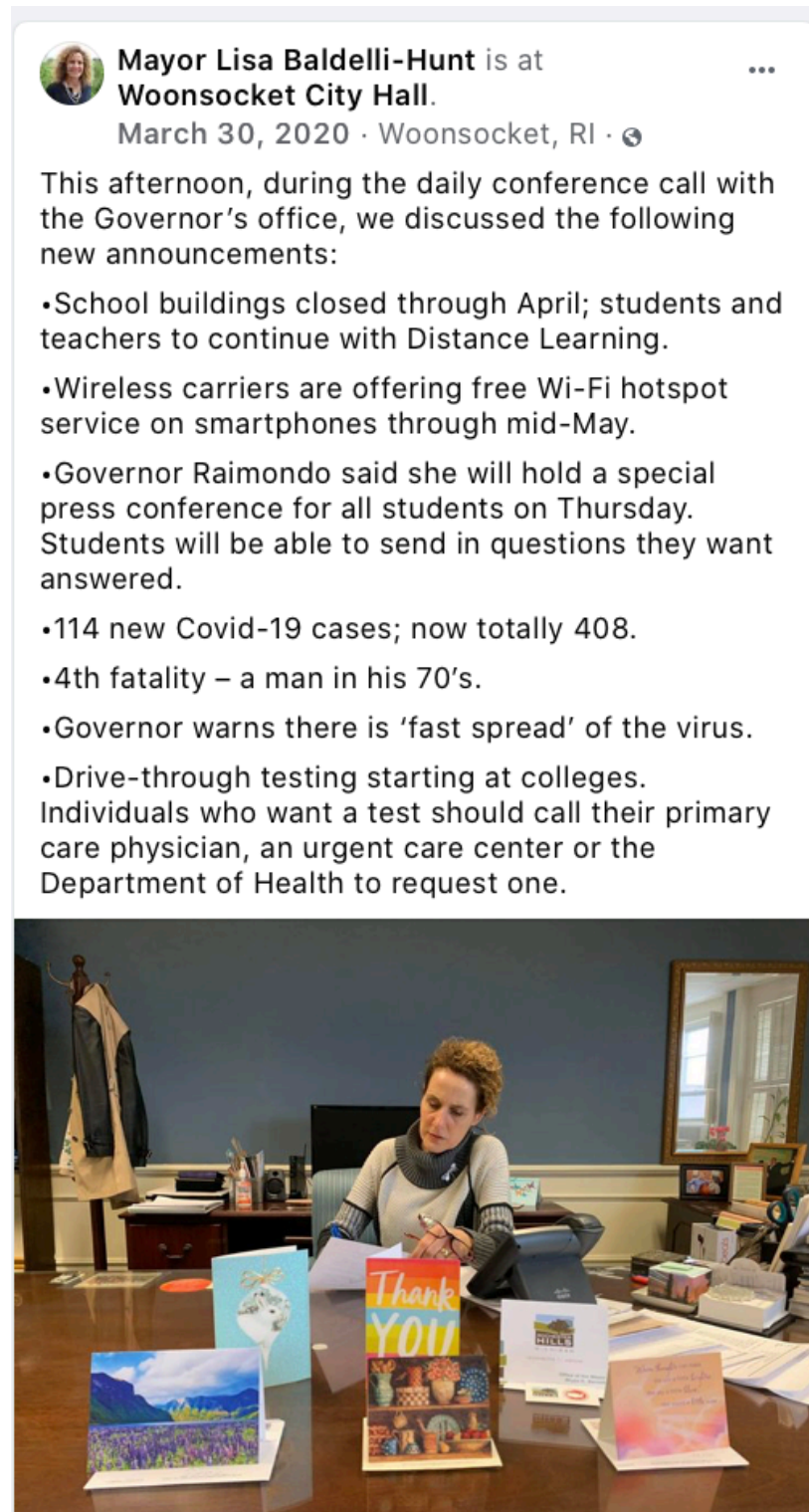
29. As further example, on March 19, 2020:




30. As further example, on March 24, 2020:



31. As further example, on March 30, 2020:



32. As further example, on October 14, 2020:



Mayor Lisa Baldelli-Hunt
October 14, 2020 · 🌐

...

🚩 **LATEST WOONSOCKET OUT-OF-STATE PLATE CRACKDOWN NETS 37 VIOLATORS.**

City Police issued 37 citations to out-of-state registered vehicles during a sweep across the City from April 1, 2020 through June 30, 2020. Violators were summoned to appear before the Rhode Island Traffic Tribunal on October 8, 2020.

Since January 2018, the police have now issued 264 citations to owners of out-of-state registered motor vehicles observed parked within the city overnight in excess of 30 days.

It is only fair to all of our resident taxpayers that if you live and drive a car in Woonsocket and use our City services, you need to register your car here.

37 Violations Issued

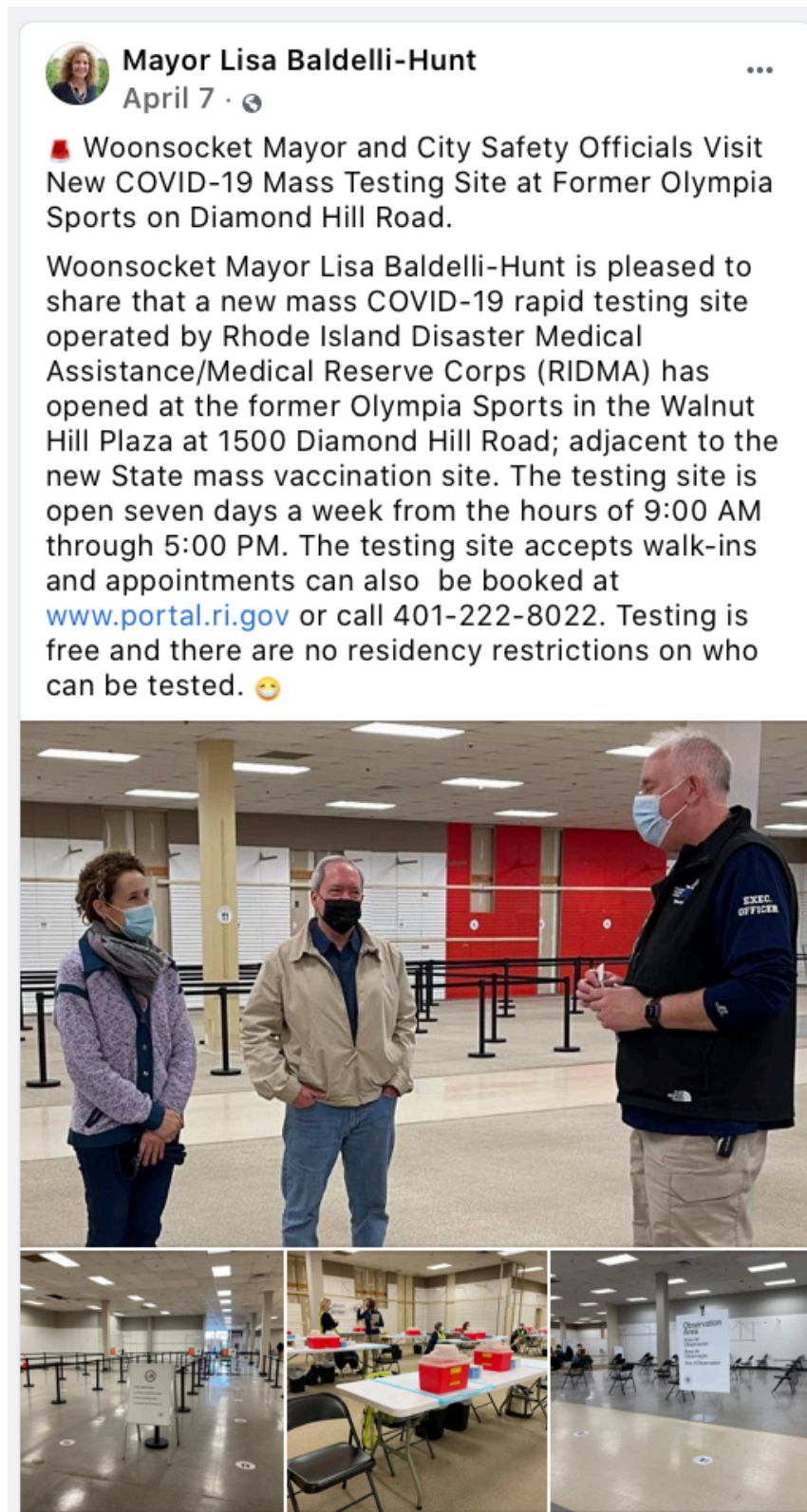
	1		3
		30	
	1		2

4-1-20 to 6-30-20

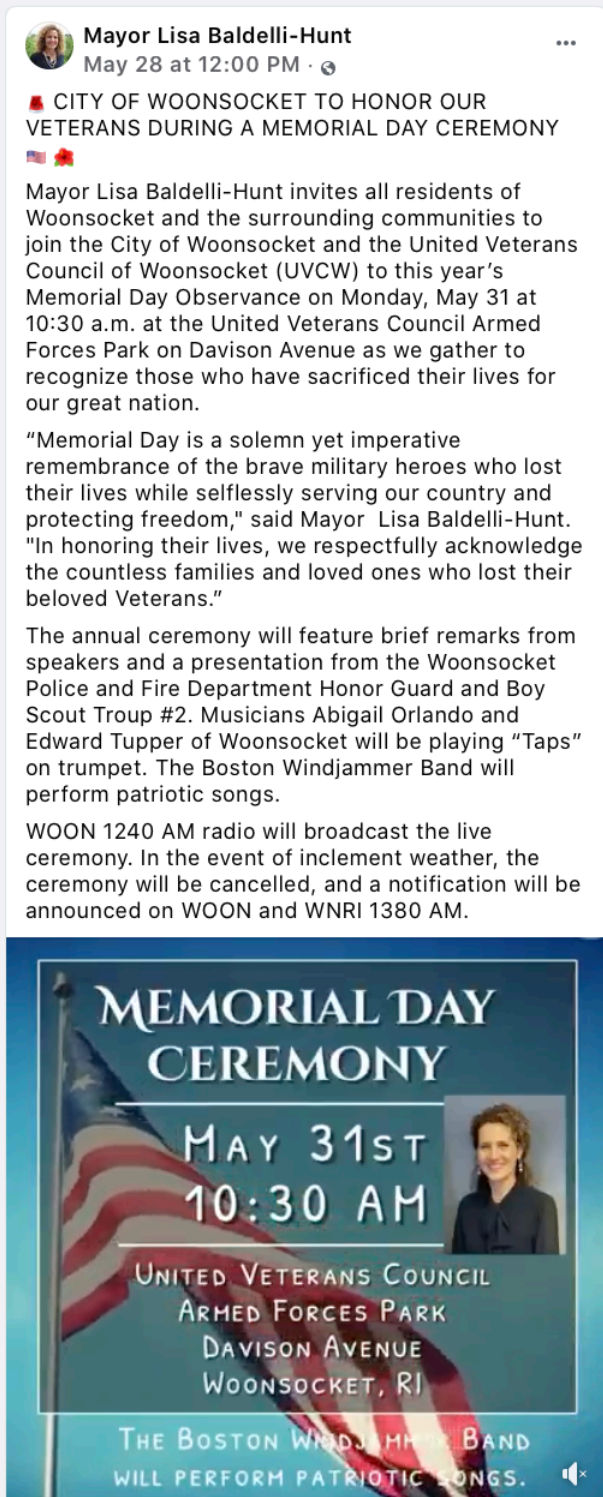
33. As further example, on March 25, 2021:



34. As further example, on April 7, 2021:



35. As further example, on May 28, 2021:



Mayor Lisa Baldelli-Hunt
May 28 at 12:00 PM · 🌐


🇺🇸 CITY OF WOONSOCKET TO HONOR OUR VETERANS DURING A MEMORIAL DAY CEREMONY 🇺🇸

Mayor Lisa Baldelli-Hunt invites all residents of Woonsocket and the surrounding communities to join the City of Woonsocket and the United Veterans Council of Woonsocket (UVCW) to this year's Memorial Day Observance on Monday, May 31 at 10:30 a.m. at the United Veterans Council Armed Forces Park on Davison Avenue as we gather to recognize those who have sacrificed their lives for our great nation.

"Memorial Day is a solemn yet imperative remembrance of the brave military heroes who lost their lives while selflessly serving our country and protecting freedom," said Mayor Lisa Baldelli-Hunt. "In honoring their lives, we respectfully acknowledge the countless families and loved ones who lost their beloved Veterans."

The annual ceremony will feature brief remarks from speakers and a presentation from the Woonsocket Police and Fire Department Honor Guard and Boy Scout Troup #2. Musicians Abigail Orlando and Edward Tupper of Woonsocket will be playing "Taps" on trumpet. The Boston Windjammer Band will perform patriotic songs.

WOON 1240 AM radio will broadcast the live ceremony. In the event of inclement weather, the ceremony will be cancelled, and a notification will be announced on WOON and WNRI 1380 AM.



MEMORIAL DAY CEREMONY

MAY 31ST
10:30 AM

UNITED VETERANS COUNCIL
ARMED FORCES PARK
DAVISON AVENUE
WOONSOCKET, RI

THE BOSTON WINDJAMMER BAND
WILL PERFORM PATRIOTIC SONGS.

36. There is, in addition to the @LISABALDELLIHUNT page, a profile and account under the name Mayor Lisa Baldelli Hunt which has approximately 560 followers. This second page only has a single post since 2016, two years prior to the creation of the @LISABALDELLIHUNT page. The October 4, 2020 post on the Mayor Lisa Baldelli Hunt profile's timeline does not appear in the timeline of the @LISABALDELLIHUNT page. Not a single post from the @LISABALDELLIHUNT page is featured in the timeline of the Mayor Lisa Baldelli Hunt profile's timeline.

37. Because of the way in which Mayor Baldelli-Hunt uses the @LISABALDELLIHUNT page, the page has become an important source of information about the work and policies of the Woonsocket Mayoral Office. The information is relevant to the residents of Woonsocket. The @LISABALDELLIHUNT Facebook page is an important public forum for discussion and debate about Mayor Baldelli-Hunt's decisions and the policies of her office. The @LISABALDELLIHUNT Facebook page is a kind of digital town hall in which Mayor Baldelli-Hunt uses posts and comments to communicate city news and information to the public, and members of the public use the comment function to respond to Mayor Baldelli-Hunt to inquire about information and exchange views with one another.

C. Defendant's Unconstitutional Blocking of Critics from the @LISABALDELLIHUNT Facebook Page

38. Plaintiff Gregory Duhamel Resides in Woonsocket, Rhode Island. He operates the Facebook account "Greg Duhamel" otherwise identified by GregTheCemeteryGuy401.

39. Before he was blocked, Mr. Duhamel regularly viewed and interacted with the @LISABALDELLIHUNT Facebook page to stay informed about issues that Mayor Baldelli Hunt addresses.

40. Mayor Baldelli-Hunt banned Mr. Duhamel from the @LISABALDELLIHUNT Facebook page on or about November 1, 2020. Mr. Duhamel commented on a post from Mayor Baldelli-Hunt which attempted to claim credit for the building of a skate park. Mr. Duhamel's comment challenged Mayor Baldelli-Hunt's claim of credit. Mayor Baldelli-Hunt deleted Mr. Duhamel's comment and banned him from the @LISABALDELLIHUNT Facebook page. She then responded to his claims and criticized his remarks to other users, all while Mr. Duhamel was unable to react, reply, or interact in any way.

41. The now deleted comment from November 1, 2020:



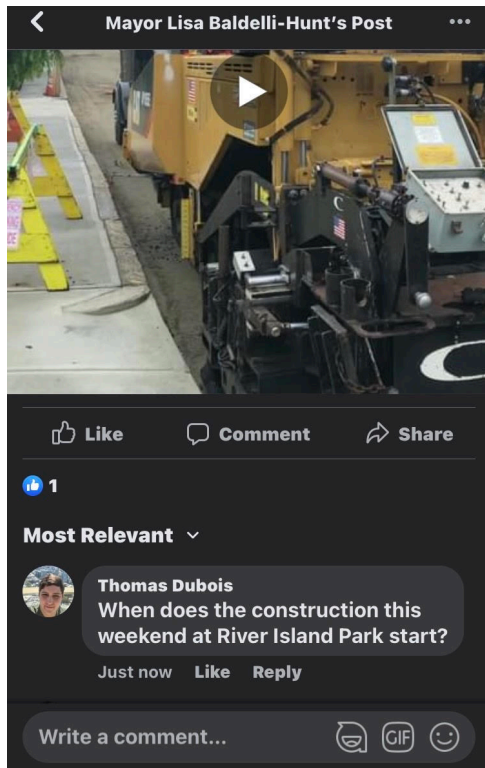
42. Mayor Baldelli-Hunt's banning of Mr. Duhamel from the @LISABALDELLIHUNT Facebook page prevents or impedes Mr. Duhamel from commenting on, replying to, or interacting with any posts or comments on this page.

43. Plaintiff Thomas Dubois resides in Woonsocket, Rhode Island. He operates the Facebook account "Thomas Dubois" otherwise identified by thomas.dubois.90813.

44. Before he was banned, Mr. Dubois regularly viewed and interacted with the @LISABALDELLIHUNT Facebook page to stay informed about issues that Mayor Baldelli-Hunt addresses.

45. Mr. Dubois believes Mayor Baldelli-Hunt banned him from the @LISABALDELLIHUNT Facebook page on or about June 25, 2021. In the months leading up to this action, on multiple occasions Mr. Dubois would ask questions and make comments. On June 25, Mr. Dubois commented on a new post from the @LISABALDELLIHUNT Facebook page to say "When does the construction this weekend at River Island Park start?" Because of Mr. Dubois' prior interactions with the page, his comment was quickly deleted, and he was promptly banned from the @LISABALDELLIHUNT Facebook page.

46. The now deleted comment from June 25, 2021:



47. Mayor Baldelli-Hunt's banning of Mr. Dubois from the @LISABALDELLIHUNT Facebook page prevents or impedes Mr. Dubois from commenting on, replying to, or interacting with any posts or comments on this page.

Cause of Action

Count I

*Violation of the First and Fourteenth Amendments of the U.S. Constitution
(42 U.S.C. § 1983)*

48. Plaintiffs restate all previous paragraphs by reference as if stated fully herein.

49. Mayor Baldelli-Hunt acted, at all times relative to this complaint, and continues to act, under color of state law while maintaining the @LISABALDELLIHUNT Facebook page as described above.

50. The majority of Mayor Baldelli-Hunt's posts and interactions report on official actions; provide information about Woonsocket executive functions and actions; and inform the public of her own official activities.

51. Mayor Baldelli-Hunt, in addition to using the @LISABALDELLIHUNT Facebook page as a tool of governance, clothed it in the trappings of her public office.

52. Mayor Baldelli-Hunt's persistent invocation of her position as an elected official overwhelms any implicit references one might perceive to any personal use.

53. Mayor Baldelli-Hunt's actions, in banning the plaintiffs, are attributable to the City of Woonsocket as the sole intention in taking the action was to suppress speech critical of her conduct of official duties or fitness for public office.

54. Mayor Baldelli-Hunt's Facebook page, and specifically the interactive component of the @LISABALDELLIHUNT Facebook page including the space where users could reply to her and engage with other members of the public who might have been responding to her, constitutes a designated public forum.

55. Mayor Baldelli-Hunt uses the @LISABALDELLIHUNT Facebook page to interact with and communicate information to the public, including her constituents.

56. Mayor Baldelli-Hunt did not attempt to limit the @LISABALDELLIHUNT Facebook page's interactive feature to her own speech and controlled access to the interactive features of her account, creating a designated public forum.

57. Just as public officials may not preclude persons from participating in the public-comment portion of a town hall meeting based on their viewpoints, Mayor Baldelli-Hunt cannot ban users from the @LISABALDELLIHUNT Facebook page because she dislikes their opinions.

58. Mayor Baldelli-Hunt engaged in, and continues to engage in unconstitutional behavior as a public official when she, acting under color of state law, was, and is, impermissibly motivated by a desire to suppress a particular point of view when she banned plaintiffs.

59. Defendant's banning of the Individual Plaintiffs from her Facebook page violates the First and Fourteenth Amendments because it imposes a viewpoint-based restriction on the Individual Plaintiffs' participation in a public forum.

60. Defendant's banning of the Individual Plaintiffs from the Facebook page violates the First and Fourteenth Amendments because it imposes a viewpoint-based restriction on the Individual Plaintiffs' ability to speak and to petition the government for redress of grievances.

61. The defendant's conduct was reckless or callously indifferent to the federally protected rights of the plaintiffs.

62. Plaintiffs do not have an adequate remedy at law and equitable relief is necessary to fully remedy the defendant's violations of the plaintiffs' constitutional rights.

Prayer for Relief

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Declare Defendant's viewpoint-based banning of the Individual Plaintiffs and other individuals from Mayor Baldelli-Hunt's Facebook page to be unconstitutional;
2. Enter an injunction requiring Defendant to unban the Individual Plaintiffs from Mayor Baldelli-Hunt's Facebook page, and prohibiting Defendant from banning the Individual Plaintiffs or other individuals from the account on the basis of viewpoint;
3. An award of nominal damages;

4. Award Plaintiffs their costs, including reasonable attorneys' fees, pursuant to 42 U.S.C. § 1988; and
5. Grant any additional relief as may be just and proper.

Respectfully submitted,
GREG DUHAMEL and
THOMAS DUBOIS
By and through their attorney,

/s/ David S. Cass
David S. Cass, #5044
Cooperating Attorney,
American Civil Liberties Union Foundation of
Rhode Island
One Davol Square, Suite 400
Providence, RI 02903
(508) 889-2674
david@davidcasslaw.com

Of Counsel:

/s/ Lynette Labinger
Lynette Labinger, #1645
Cooperating Attorney,
American Civil Liberties Union Foundation
of Rhode Island
128 Dorrance Street, Box 710
Providence, RI 02903
401-465-9565
LL@labingerlaw.com

Verification

I, Greg Duhamel, declare as follows:

1. I am a Plaintiff in the present case, a citizen of the United States of America, and a resident of the State of Rhode Island.
2. I have personal knowledge of myself, my activities, and my intentions, including those set out in the foregoing *Verified Complaint*; and specifically, the facts set out in paragraphs 8, 38-42.
4. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this *Complaint* concerning myself, my activities, and my intentions are true and correct.

Executed on 08-03-2021

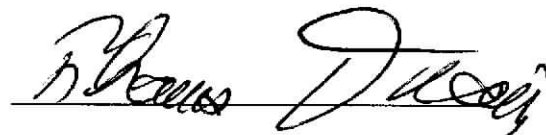
A handwritten signature in cursive script, appearing to read "Greg Duhamel", written over a horizontal line.

Verification

I, Thomas Dubois, declare as follows:

1. I am a Plaintiff in the present case, a citizen of the United States of America, and a resident of the State of Rhode Island.
2. I have personal knowledge of myself, my activities, and my intentions, including those set out in the foregoing *Verified Complaint*; and specifically, the facts set out in paragraphs 9, 43-47.
4. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this *Complaint* concerning myself, my activities, and my intentions are true and correct.

Executed on 8/3/21

A handwritten signature in cursive script, appearing to read "Thomas Dubois", written over a horizontal line.